

# Kansas Register

Ron Thornburgh, Secretary of State

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# Kansas Council on Developmental Disabilities

# **Request for Proposals**

The Kansas Council on Developmental Disabilities (KCDD) is again announcing the availability, pending Congressional action, of developmental disabilities funding totaling \$384,000 to be distributed by state plan activities. Approximate funding amounts available for each competition are listed in the parentheses following the program. Unless indicated, only one grant will be funded.

- I. For state plan goal activities focusing on community living in the following area: Self-Directed Care (\$20,000).
- II. For state plan goal activities which focus on health in the following area: Accessing Medical and Dental Care in Kansas (\$15,000).
- III. For state plan goal activities which focus on employment in the following areas: Small Business Initiative (five projects of up to \$20,000 each); and Social Security Work Incentives (two projects of up to \$7,000 each).
- IV. For state plan goal activities which focus on housing in the following area: Rural Housing Initiatives (three projects of up to \$25,000 each).

**Application Process** 

To receive an application containing forms, instructions and information, contact the Kansas Council on Developmental Disabilities, Room 141, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (913) 296-2608, e-mail at krestine@idir.net.

**General Requirements** 

Eligible Applicants: State, public, private profit or nonprofit organizations, institutions or agencies.

**Project Duration:** Except where noted, the projected duration for these projects is one year, beginning October 1, 1997 and ending September 30, 1998.

Council Share of the Project Cost: The maximum council contribution cannot exceed 75 percent of the an-

nual project budget.

Matching Requirement: Successful applicants must contribute at least 25 percent or one-fourth of the actual annual project budget.

# **Evaluation and Selection**

Complete applications will be given a project number, analyzed by a review committee and evaluated based on the following content: narrative, methodology, budget, qualifications of the applicant, and adherence to specific criteria included in the application. Additionally, applicants should be aware that the council and review committee will note whether the application addresses the needs of diverse populations and/or rural Kansans with developmental disabilities.

Grant project awards will depend upon the availability of federal developmental disability funding. Final decisions for grant project awards will be made by the KCDD.

#### Deadline

Completed applications will be accepted at the KCDD office until 5 p.m. Friday, August 22. No handwritten, faxed or single-spaced documents will be accepted. Completed applications received after the deadline will not be considered nor returned. Applicants will be notified of the KCDD decision by September 19.

Jane Rhys, Ph.D. Executive Director

Doc. No. 019417

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PUBLISHED BY Ron Thornburgh Secretary of State 2nd Floor, State Capitol 300 S.W. 10th Ave. Topeka, KS 66612-1594 (913) 296-4564



Register Office: Room 233-N, State Capitol (913) 296-3489 Fax (913) 291-3051

# **Board of Emergency Medical Services**

# **Notice of Meeting**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, August 1, at Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka. All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (913) 296-7296.

Bob McDaneld Administrator

Doc. No. 019413

## State of Kansas

# **Board of Pharmacy**

# **Notice of Meetings**

The Kansas State Board of Pharmacy will meet at 8:30 a.m. Friday, August 22, and Saturday, August 23, at the Clubhouse Inn meeting room, 924 S.W. Henderson Road, Topeka. The meetings are open to the public. For additional information, call (913) 296-4056.

Larry C. Froelich Executive Director

Doc. No. 019415

# State of Kansas

# Commission on Veterans' Affairs

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, August 15, in the conference room in the office of the State Bank Commissioner, third floor, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend.

Don Myer Executive Director

Doc. No. 019422

# State of Kansas

# State Employees Health Care Commission

# **Notice of Meeting**

A Health Care Commission meeting has been scheduled from 9 to 11 a.m. Thursday, July 31, in Room 313-S, (old Supreme Courtroom), State Capitol, 300 S.W. 10th Ave., Topeka. For further information, contact the Benefits Office at (913) 296-6280.

Duane Nightingale Chair

Doc. No. 019436

#### State of Kansas

# Legislature

#### **Interim Committee Schedule**

The following committee meetings have been scheduled during the period of July 28 through August 10:

Date	Koom	lime	Committee	Agenda
July 28 July 29	519-S 519-S	12:30 p.m. 9:00 a.m.	Special Committee on Assessment and Taxation	28th: Proposal No. 4—Assessed Valuation Penalties; Proposal No.
				1—Property Tax Exemptions and Exclusive Use.  29th: Proposal No. 5—Valuation Appeals Process; info. from SBOTA; processing of 1996 income tax returns - Dept. of Revenue.
July 28 July 29			Joint Committee on Corrections and Juvenile Justice Oversight	Agenda not available.
July 29 July 30	123-S 123-S	10:00 a.m. 9:00 a.m.	Special Committee on Education	Education governance.
August 4 August 5	531-N 531-N	10:00 a.m. 9:30 a.m.	Joint Committee on Special Claims Against the State	Hearing on claims filed to date.
August 5 August 6	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	5th: Topic No. 5—Threats Against State Officers; Topic No. 1—Sex Offender Registration.
				6th: Topic No. 6—Separate Agency for Administrative Law Judges.
				Emil Lutz

Doc. No. 019431

Director of Legislative Administrative Services

# **Department of Transportation**

## **Notice of Public Forums**

The Kansas Department of Transportation announces the release of its annual highway program book detailing the interim highway projects planned for fiscal years 1998-2001, now that the Comprehensive Highway Program (CHP) has been successfully completed. In the past, KDOT has announced a five-year work plan; this year's plan, due to funding constraints, is a four-year plan.

In conjunction with the distribution of the agency's program report, KDOT will conduct public involvement forums across the state. The purpose of these forums is to keep the public informed of KDOT activities, to provide an opportunity for the citizens of Kansas to comment on the job KDOT is doing, and to discuss the state's transportation system. Listed below are the dates and locations of the forums being held in each KDOT district.

# Schedule and Location of Public Forums:

7 p.m. Wednesday, August 6 Ramada Inn 1950 S. Range, Colby

7 p.m. Thursday, August 7 Pioneer Electric, Pioneer Room 1125 W. Oklahoma (West US-160), Ulysses

7 p.m. Wednesday, August 13 Holiday Inn 3017 W. 10th, Great Bend

7 p.m. Thursday, August 14 American Legion 506 Washington St., Concordia

7 p.m. Tuesday, August 19 Riverfront Community Center 123 S. Esplanade, Leavenworth

7 p.m. Thursday, August 21 KDOT District Four Office Complex, South Building 411 W. 14th, Chanute

Persons needing a sign language interpreter, an assistive listening device, large print, Braille material, or other accommodation to attend this meeting should notify the Kansas Department of Transportation at least one week prior to the meeting. Requests may be addressed to the Kansas Department of Transportation, Office of Public and Employee Information, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-3585 (Voice/TTY).

E. Dean Carlson Secretary of Transportation

Doc. No. 019421

# State of Kansas

# **Pooled Money Investment Board**

## **Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

Effective 7-21-97 thro	ugh 7-27-97
Term	Rate
1-89 days	5.46%
3 months	5.44%
6 months	5.61%
9 months	5.61%
12 months	5.72%
18 months	5.84%
24 months	5.90%

William E. Lewis Chairman

Doc. No. 019416

# State of Kansas

# **Historic Sites Board of Review**

# Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, August 23, in a classroom at the Kansas Museum of History, 6425 S.W. 6th Ave., Topeka. The board will evaluate the following properties for the National Register of Historic Places and/or the Register of Historic Kansas Places:

- ♦ The Mennonite Settler Statue, Athletic Park Drive, Newton, Harvey County
- ♦ The Johnson House, 226 W. Lincoln, Lindsborg, McPherson County
- ♦ The John Steuart Curry Boyhood Home, Old Jefferson Town, Highway 59, Oskaloosa, Jefferson County (State Register only)
- Atchison, Topeka and Santa Fe Railway Depot,
   E. Wyatt Earp Blvd., Dodge City, Ford County
   (State Register only)

The Kansas State Historical Society welcomes individuals with disabilities to participate in its activities. If you have a visual, aural or other physical or mental impairment that is a "disability" under the act, contact Sandy McDaniel of the Cultural Resources Division, Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (913) 272-8681, ext. 240, by August 15 to discuss the nature of your disability and what the Kansas State Historical Society may do to ensure participation in the activity.

Ramon Powers Executive Director

# **Department of Transportation**

## **Notice to Contractors**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. August 13, and then publicly opened:

# District One—Northeast

Atchison—3 C-3078-01—County road, 2 miles (3.2 kilometers) west of Atchison, 0.09 mile (0.16 kilometer), grading, bridge and surfacing. (State Funds)

Brown—36-7 K-6608-01—U.S. 36, Bridge 002, Spring Creek, bridge overlay. (State Funds)

#### District Two—Northcentral

Jewell—45 C-3426-01—County road, 4.5 miles (7.2 kilometers) south of Ionia, 0.2 mile (0.32 kilometer), grading, bridge and surfacing. (State Funds)

Marion—50-57 K-6775-01—U.S. 50, from the Harvey-Marion county line, east 1.4 miles (2.3 kilometers), pavement marking. (State Funds)

#### District Three—Northwest

Cheyenne—36-12 K-6852-01—U.S. 36, from the Colorado-Kansas state line east to the west junction of K-27, 11.9 miles (19.2 kilometers), crack repair. (State Funds)

Decatur—36-20 K-6853-01—U.S. 36, from the curb and gutter in Oberlin, east to the Decatur-Norton county line, 18.2 miles (29.3 kilometers), crack repair. (State Funds)

Ellis—26 C-3307-01—Commerce Parkway from I-70, south 1.7 miles (2.7 kilometers), grading and surfacing. (Federal Funds)

**Rooks**—18-82 K-6310-01—K-18, Bridge 027, 0.1 (0.2 kilometer) southeast of the Rooks-Graham county line, bridge repair. (State Funds)

Russell—84 C-3409-01—County road, 11.5 miles (18.5 kilometers) north of Gorham, 0.18 mile (0.3 kilometer), grading, bridge and surfacing. (State Funds)

#### District Four-Southeast

Crawford—19 C-3411-01—County road 3.5 miles (5.6 kilometers) west and 10.9 miles (17.7 kilometers) south of Girard, 0.21 mile (0.34 kilometer), grading and bridge. (Federal Funds)

Labette—50 C-3198-01—County road, 3.5 miles (5.6 kilometers) south and 2 miles (3.2 kilometers) west of Edna, 0.15 mile (0.24 kilometer), grading and bridge. (Federal Funds)

**Bourbon-Cherokee-Crawford**—106 X-1956-01—The Burlington Northern Santa Fe Railway line in three-county area, signing. (Federal Funds)

# **District Five—Southcentral**

Cowley—77-18 K-6639-01—U.S. 77, Bridges over Walnut River and local road, bridge overlay. (State Funds)

Rush—83 C-3343-01—U.S. 83, 0.75 mile (1.2 kilometers) north of Timken at Sand Creek, 0.2 mile (0.32 kilometers), grading, bridge and surfacing. (Federal Funds)

Sumner—81-96 K-6640-01—U.S. 81, Bridge 048, Slate Creek, bridge overlay. (State Funds)

Harvey—50-40 K-6776-01—U.S. 50, from the east city limits of Walton, northeast 7 miles (11.3 kilometers), pavement marking. (State Funds)

Kiowa—54-49 K-6827-01—U.S. 54, Greensburg east to 2.9 miles (4.6 kilometers) east of Haviland, 13.9 miles (22.4 kilometers), overlay. (State Funds)

Reno—78 U-1544-01—Airport Road, from 4th Street north and west 0.1 mile (0.24 kilometer), east of K-61, grading and surfacing. (Federal Funds)

Kingman-Sedgwick—106 X-1969-01—Central Kansas Rail Line in two-county area, signing. (Federal Funds)

## **District Six—Southwest**

Haskell—83-41 K-6765-01—U.S. 83, from the Seward-Haskell county line, north to the K-144/North U.S. 160 Junction, 12 miles (19.4 kilometers), sealing. (State Funds)

Ness—96-68 K-6767-01—K-96, from Ness City east to the Ness-Rush county line, 17.1 miles (27.5 kilometers), crack repair. (State Funds)

Scott—83-86 K-6764-01—U.S. 83, from the north city limits of Scott City, north to the Scott-Logan county line, 15 miles (24.2 kilometers), crack repair. (State Funds)

Seward—83-88 K-6766-01—U.S. 83, from the north city limits of Liberal, north to the Seward-Haskell county line, 23.8 miles (38.4 kilometers), crack repair. (State Funds)

Wichita—25-102 K-6763-01—K-25, from the Kearny-Wichita county line, north to the south city limits of Leoti, 18.6 miles (29.7 kilometers), crack repair. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson Secretary of Transportation

# State Conservation Commission

# **Notice to Contractors**

Sealed bids for the construction of a 22,515 cubic yard detention dam, Site 2-35 in Brown County, will be received by the Roy's Creek Watershed District No. 75 at the Natural Resources Conservation Service office, 1310 Oregon, Hiawatha, 66434, (913) 742-2012, until 7:45 p.m. August 15, or hand carried to the Natural Resources Conservation Service office and submitted immediately prior to bid opening at 8 p.m. August 15. A copy of the invitation for bids and plans and specifications can be obtained from Paul Kleppe, contracting officer, at the NRCS office from 8 a.m. to noon August 1-8 or by calling (913) 544-7759.

Tracy D. Streeter Executive Director

Doc. No. 019424

## State of Kansas

# Department of Transportation

#### **Notice of Public Auction**

The Kansas Secretary of Transportation will offer for sale at public auction at 10 a.m. September 3 the following tract of land, a former rest area at US-56 and 83 Highways near Sublette, located in Haskell County, Kansas, described as follows:

5.38 acres in the Southwest Quarter of the Southwest Quarter of Section 31, Township 29 South, Range 32 West of the 6th P.M., Haskell County, Kansas. (A complete legal description is available upon request.)

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

# Terms of the Sale

A certified or cashier's check for 10 percent of the purchase price the day of the sale. The balance of the purchase price will be paid by certified or cashier's check on or before October 3, 1997. Make check(s) payable to "Kansas Department of Transportation." The successful bidder will receive a bill of sale on the day of sale and a quitclaim deed when the balance is paid. If the balance of the purchase price is not paid on or before said date, the 10 percent down payment will be forfeited to the seller.

The seller reserves the right to reject any and all bids (minimum acceptable bid will be required) and is not responsible for accidents. For additional information, contact Larry Thompson, District Engineer, Garden City, (316) 276-3241, or Fred Terry, Bureau of Right of Way, Topeka, (913) 296-3501.

E. Dean Carlson Secretary of Transportation

Doc. No. 019430

# State of Kansas

## **State Conservation Commission**

# **Notice to Contractors**

Sealed bids for the construction of a 68,500 cubic yard detention dam, Site 33 in Wabaunsee County, will be received by the Mill Creek Watershed Joint District No. 85 at King Engineering, Inc., 125 W. 4th, Holton, 66436, (913) 364-4312, until 5 p.m. August 12, or hand carried and submitted prior to bid opening at 8 p.m. August 12 at the Natural Resources Conservation Service Office, 6th and Missouri, Alma, (913) 765-3836. A copy of the invitation for bids and the plans and specifications can be reviewed at the office of King Engineering, Inc. A \$25 deposit will be required for each set of plans requested.

Tracy D. Streeter Executive Director

Doc. No. 019425

#### State of Kansas

# Department of Health and Environment

# **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding issuance of authorizations to operate under the general Class I air quality operating permit for natural gas compressor stations. Authorizations to operate under the general Class I operating permit have been issued in accordance with the provisions of K.A.R. 28-19-400 et seq.

A copy of each permit application, authorization and all supporting nonconfidential documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, authorization and supporting documentation, contact Connie Carreno, (913) 296-6422, at the KDHE central office, or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, KDHE, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state authorized to operate under the terms of the general Class I operating permit will be maintained at the KDHE Topeka offices.

# Authorizations issued during the week of July 7, 1997:

Company: Enron

Compressor Station: Haskell County No. 1

**Source ID No.: 0810007** 

Location: S19, T30S, R33W, Haskell County

KDHE District Rep.: Wayne Neese, (316) 225-3731 Rep. Location: Southwest District Office, Dodge City

> Gary R. Mitchell Secretary of Health and Environment

# Department of Health and Environment

# **Notice Concerning Kansas** Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

#### Public Notice No. KS-AG-97-164/167

Name and Address of Applicant	Legal Description	Receiving Water
Holcomb Dairy	S/2, Sec. 25,	Upper Arkansas
P.O. Box 427	N/2, Sec. 36,	River Basin
Holcomb, KS 67851	T24S, R34W,	
	Finney County	San Bridge Company

Kansas Permit No. A-UAFI-D001 Federal Permit No. KS-0093866 Correction: Originally published July 10, 1997 with incorrect legal description.

This is a new facility for 3000 head (4200 animal units) of dairy cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A whole pond in place seepage test shall be conducted on a biennial basis. The results of the test shall be submitted to KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Tom Nieheus	SE/4, Sec. 15,	Kansas River
Route 1, Box 35	T5S, R13E,	Basin
Goff, KS 66428	Nemaha County	

Kansas Permit No. A-KSNM-S010

This is an existing facility for 1766 (618 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Ron Suther 11415 Davis Road Blaine, KS 66549	NE/4, Sec. 6, & SE/4, Sec. 31, T7S, R9E, Pottawatomie County	Big Blue River Basin

Kansas Permit No. A-BBPT-S008

This is an existing expansion facility for 1346 head (138 animal units) of

astewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate

Name and Address	Legal	Receiving
of Applicant	Description	Water
Peterson Farms 407 E. Shelton Drive Smith Center, KS 66967	NW/4 & SW/4, Sec. 17, T3S, R17W, Smith County	

Kansas Permit No. A-SOSM-C003 Federal Permit No. KS-0093793 This is an existing facility for 1200 head (600 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

# **Public Notice No. KS-97-112**

Name and Address		Type of
of Applicant	Waterway	Discharge
City of Bonner Springs	Kansas River	Treated domestic
205 E. 2nd		wastewater
PO Roy 38		11 m

Bonner Springs, KS 66012

Kansas Permit No. M-KS06-OO02

Fed. Permit No. KS0082881

Location: 12021 Kaw Drive

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. The facility consists of an extended aeration activated sludge plant (two oxidation ditches, two final clarifiers, gravity sludge thickening, and belt press dewatering) with an average design flow of 1.4 MGD. The proposed permit contains a schedule of compliance to upgrade the facility to meet disinfection requirements on the effluent. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

## Public Notice No. KS-ND-97-043/045

Name and Address	Legal	Type of
of Applicant	Location	Discharge
B C Motors	SE1/4, S12,	Nonoverflowing
c/o Ben Castleberry	T16S, R4E,	, ,
902 E. Trapp	Dickinson County	
Herington, KS 67449		

Kansas Permit No. C-SH17-NO02

Facility Description: The proposed action is to issue a new permit for operation of an existing wastewater treatment facility. The facility consists of a two-cell lagoon treating domestic wastewater. The proposed permit contains a schedule of compliance requiring the owner to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
City of Burns	NE <sup>1</sup> /4, S32,	Nonoverflowing
c/o City Clerk	T22S, R5E,	
Church Street	Marion County	
Burns, KS 66840		

Kansas Permit No. M-WA05-NO01

Facility Description: The proposed action is to issue an existing permit for operation of an existing wastewater treatment facility. The facility consists of a two-cell lagoon treating domestic wastewater. The proposed permit contains a schedule of compliance requiring the owner to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
USD #483 Southwestern Heights	SW1/4, S25, T32S, R31W,	Nonoverflowing
Route 1, Box 24A Kismet, KS 67859	Seward County	

Kansas Permit No. M-CI09-NO02

Facility Description: The proposed action is to issue an existing permit for operation of an existing wastewater treatment facility. The facility consists of a Smith & Loveless Model A "Oxigest" plant followed by two polishing ponds. Disposal of treated wastewater is by evaporation, percolation and irrigation. The district has proposed to expand the facility to a two-cell lagoon.

# Public Notice No. KS-EG-97-016/017

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the wells described below within the State of Kansas.

# Name and Address of Applicant

of Applicant Well Location
North American Salt Co.

c/o Mike Chisam P.O. Box 498 Lyons, KS 67554 Well Identification #B-82 KS Permit No. KS-05-159-001 Well Identification #B-83

KS Permit No. KS-05-159-002

SW¼, NE¼, SW¼, S14, T20S, R8W, Rice County 1470' fsl and 3570' fel from SE corner of Section NW¼, SE¼, SW¼, S14, T20S, R8W, Rice County 1190' fsl and 3570' fel from SE corner of Section

Description: The facility is a salt production plant. The material emplaced consists of salt or mineral contaminated material.

Well Location

Name and Address of Applicant

North American Salt Co. c/o Richard Hill P.O. Box 498 Lyons, KS 67554 Well Identification G103 KS Permit No. KS-03-159-237 Well Identification G104

KS Permit No. KS-03-159-238

KS Permit No. KS-03-159-239

Well Identification G105

SE'4, SE'4, SE'4, S15, T20S, R8W, Rice County 650' fal and 640' fel from SE corner of Section SW'4, SE'4, SE'4, S15, T20S, R8W, Rice County 650' fal and 940' fel from SE corner, of Section SW'4, SE'4, SE'4, S15, T20S, R8W, Rice County 650' fal and 1240' fel from SE corner of Section

Description: This facility is a salt production plant. The injection fluids consist of fresh water and weak brine.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received by August 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-164/167, KS-97-112, KS-ND-97-043/045, KS-EG-97-016/017) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 019428

# State of Kansas

# Department of Health and Environment

# **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Tramco, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to perform painting operations on the conveying equipment. Emissions of oxides of nitrogen, carbon monoxide and volatile organic compounds were evaluated during the permit review process.

Tramco, Inc., Wichita, owns and operates the stationary source located at 1011 E. 19th, Wichita, where the painting and drying operations are performed on the conveying equipment.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (913) 296-6427, at the KDHE central office, or Fred Spencer, (316) 268-8449, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business August 25 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business August 25 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment

# Department of Health and Environment

# Notice of Hearing

A public hearing will be conducted at 7 p.m. Monday, August 25, at the Metropolitan Topeka Airport Authority conference room, Forbes Field Air Terminal, Building 610, Topeka, to receive comments on the proposed issuance of an air quality permit. The Kansas Department of Health and Environment is proposing to issue the permit to operate a cellophane manufacturing facility owned and operated by UCB Cello, Inc., Smyrna, Georgia, in accordance with the provisions of K.A.R. 28-19-510 et seq. (Class I operating permits). The cellophane manufacturing facility is proposed to be located at 6000 S.E. 2nd, Tecumseh, Kansas. Emissions of sulfur oxides, volatile organic compounds, carbon disulfide and toluene were evaluated during the permit review process.

A copy of the proposed permit, permit application, supporting documentation and information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Shawnee County Health Agency, 1615 W. 8th, Topeka. To obtain or review the proposed permit and supporting documentation, contact Connie Carreno, (913) 296-6422, at the KDHE central office, or Shane Burnett, (913) 368-3650, at the Shawnee County Health Agency. The standard departmental cost

will be assessed for any copies requested.

The U.S. Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the EPA administrator within 60 days after the expiration of the 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

A copy of the Class I operating permit and application is being submitted to the EPA simultaneously with publication of this notice. Contact Gary Schlicht, U.S. Environmental Protection Agency, Region VII, Air Permitting and Compliance Branch, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Contact David Peter, KDHE, (913) 296-1615, if you plan

on attending the public hearing.

Gary R. Mitchell Secretary of Health and Environment (Published in the Kansas Register July 24, 1997.)

Summary Notice of Bond Sale \$228,000 City of Atchison, Kansas Taxable General Obligation Bonds Series 1997-B

(General obligation bonds payable from unlimited ad valorem taxes)

# Sealed Bids

Subject to the notice of bond sale dated July 7, 1997, sealed bids will be received by the director of finance of the City of Atchison, Kansas (the issuer), on behalf of the governing body at City Hall, 515 Kansas Ave., Atchison, KS 66002, until 3 p.m. August 4, 1997, for the purchase of \$228,000 principal amount of Taxable General Obligation Bonds, Series 1997-B. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

## **Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$8,000. The bonds will be dated July 1, 1997, and will become due on September 1 in the years as follows:

Year				Principal Amount
1998	5	τ,	$\{x^{k}\}_{k\geq 0}$	\$13,000
1999				20,000
2000	· 1	· ·	1.1	20,000
2001	1			20,000
2002	s	2.75	3 1 1 m	20,000
2003				25,000
2004			i dei	25,000
2005	e in in	• ( )	. 401	25,000
2006			1 .	30,000
2007		44		30,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1998.

**Book-Entry-Only System** 

The bonds will be registered under a book-entry-only system administered through DTC.

# Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit** 

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$4,560 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before August 26, 1997, at DTC for the account of the successful bidder.

## Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$42,416,449. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$3,898,122.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

## **Additional Information**

Additional information regarding the bonds may be obtained from the director of finance, (913) 637-5500, or from the financial advisor, George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, Attention: Roger Edgar or David Arteberry, (816) 474-1100.

Dated July 7, 1997.

City of Atchison, Kansas

Doc. No. 019419

(Published in the Kansas Register July 24, 1997.)

Summary Notice of Bond Sale City of Selden, Kansas Sheridan, County, Kansas \$135,000

General Obligation Street Bonds Series 1997 Dated September 1, 1997

(General obligation bonds payable from unlimited ad valorem taxes)

# **Sealed Bids**

Subject to the notice of bond sale dated July 1, 1997, sealed bids will be received by the city clerk of Selden, Sheridan County, Kansas (the issuer), on behalf of the governing body at City Hall, P.O. Box 54, Selden, KS 67757, until 7 p.m. Monday, August 11, 1997, for the purchase of \$135,000 principal amount of General Obligation Street Bonds, Series 1997.

#### **Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated September 1, 1997, and will become due on October 1 in the years as follows:

Year		Principal Amount
1998		\$10,000
1999		10,000
2000		10,000
2001		15,000
2002		15,000
2003	• '	15,000
2004		15,000
2005		15,000
2006		15,000
2007		15,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1998.

#### **Interest Rates**

The difference between the highest and lowest interest rate submitted shall not exceed 3 percent. Only one rate of interest shall apply to any single maturity date.

# Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's check or certified check payable to the city drawn on a bank located in the United States in the amount of \$2,700 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about September 19, 1997, at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

#### **Bid Price**

No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

# Assessed Valuation and Indebtedness

The equalized assessed tangible valuation of the city for computation of bonded debt limitations for the year 1996 is \$649,166, which includes motor vehicle valuation of \$8,168. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$242,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Redemption

Bonds maturing on or after October 1, 2003, shall be subject to call and redemption by the city at its option on October 1, 2002, and on any interest payment date thereafter at par and accrued interest to date of redemption without premium.

# Additional Information

Additional information regarding the bonds may be obtained from Jacqueline A. Albers, City Clerk, City Hall, P.O. Box 54, Selden, KS 67751, (913) 386-4550; or from bond counsel, Fred W. Rausch, Jr., 220 S.W. 33rd, Suite 201, Topeka, KS 66611, (913) 267-3470. Preliminary official statements will be sent to prospective bidders upon request to bond counsel.

City of Selden Sheridan County, Kansas

(Published in the Kansas Register July 24, 1997.)

# Summary Notice of Bond Sale \$600,000

City of Atchison, Kansas General Obligation Bonds, Series 1997-A

# (General obligation bonds payable from unlimited ad valorem taxes)

## Sealed Bids

Subject to the notice of bond sale dated July 7, 1997, sealed bids will be received by the director of finance of the City of Atchison, Kansas (the issuer), on behalf of the governing body at City Hall, 515 Kansas Ave., Atchison, KS 66002, until 3 p.m. August 4, 1997, for the purchase of \$600,000 principal amount of General Obligation Bonds, Series 1997-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

# **Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 1997, and will become due on September 1 in the years as follows:

Year	Principal Amount
1998	\$45,000
1999	50,000
2000	50,000
2001	55,000
2002	60,000
2003	60,000
2004	65,000
2005	70,000
2006	70,000
2007	75,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1998.

# **Book-Entry-Only System**

The bonds will be registered under a book-entry-only system administered through DTC.

# **Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

#### **Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$12,000 (2 percent of the principal amount of the bonds).

#### Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before August 26, 1997, at DTC for the account of the successful bidder.

# **Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$42,416,449. The total general obligation indebtedness of

the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$3,898,122.

# Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

#### **Additional Information**

Additional information regarding the bonds may be obtained from the director of finance, (913) 637-5500, or from the financial advisor, George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, Attention: Roger Edgar or David Arteberry, (816) 474-1100.

Dated July 7, 1997.

City of Atchison, Kansas

Doc. No. 019420

(Published in the Kansas Register July 24, 1997.)

Notice of Call for Redemption to the Registered Owners of City of Manhattan, Kansas Sewage Treatment Refunding Revenue Bonds Series 1985 Dated September 1, 1985

Notice is hereby given that pursuant to the provisions of Section 4 of Bond Ordinance No. 4237 of the City of Manhattan, Kansas (the issuer), the above mentioned bonds maturing December 1, 1997, and thereafter have been called for redemption and payment on September 1, 1997 (the redemption date), at the principal corporate trust office of the Southwest National Bank of Wichita, P.O. Box 1401, 400 E. Douglas, Wichita, KS 67201 (the bond registrar and paying agent).

Maturity Date	Principal Amount	Interest Rate	CUSIP Nos.
12-1-97	\$ 90,000	9.00%	563053 CW5
12-1-98	100,000	9.00%	563053 CX3
12-1-99	115,000	9.10%	563053 CY1
12-1-00	115,000	9.15%	563053 CZ8
12-1-01	135,000	9.20%	563053 DA2
12-1-02	145,000	9.25%	563053 DB0
12-1-03	30,000	9.30%	563053 DC8

On the redemption date there shall become due and payable, upon the presentation and surrender of each such bond, the redemption price thereof equal to 102 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

By: The Southwest National Bank of Wichita Wichita, Kansas Paying Agent

# Office of Judicial Administration Court of Appeals Summary Calendar—No Oral Argument Docket

# Before Brazil, C.J.; Elliott and Lewis, JJ.

Case No.	Aug Case Name	ust 5-6, 1997	
76,345	State of Kansas, Appellee, v. Johnnie L. Hinton, a/k/a Johnny Lloyd Hinton, Appellant.	Attorney General David L. Miller, C.A. Jessica R. Kunen, Chief A.D. Julie A. Gorenc, Special A:D.	County Miami
77,224	Hypermart U.S.A., Appellant, v. Donna J. Stump, Appellee.	H. Kent Hollins Lynn D. Lauver	Shawnee
76,384 76,385 76,386	State of Kansas, Appellee, v. Dennis R. Gripp, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Karlin Gould	Sedgwick
76,949	Greg Castoreno, Appellant, v. State of Kansas, Appellee.	Arnoda Strutt Kerns Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A.	Sedgwick
76,460	State of Kansas, Appellee, v. Carlos Moreno, Appellant.	Attoney General Steven J. Obermeier, Asst. D.A. James F. Vano	Johnson
76,999	Doris J. Hill, Appellant, v. Gary M. Molder, Jr., Appellee.	Daniel N. Allmayer Leo L. Logan	Wyandotte
77,287	Mary McCleary, Individually, and as Special Administratrix for the Estate of Christopher Leech, Deceased, Appellant, v. Jeremy L. Boss, et al., Appellees.	Patrick C. Smith M. Doug Bell Zackery E. Reynolds Lynn D. Preheim Stephanie N. Schneck	Labette
77,103	State of Kansas, Appellee, v. James R. Boltz, Appellant	Attorney General Keith E. Schroeder, Asst. C.A. Randall C. Henry	Reno
77,129	Tony M. Bessette, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. A.D. Robert A. Walsh, C.A.	Cloud
77,626 77,627	State of Kansas, Appellee, v. Quint A. Kilgore, Appellant.	Attorney General Kiann Caprice Dodd, Asst. D.A. Patrick E. D'Arcy	Wyandotte
76,340	State of Kansas, Appellee, v. James C. Emery, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
76,712	Goldblatt Tool Co., a Delaware Corporation, Appellant, v. Board of County Commissioners of	Leland H. Corley R. Jeff Fendorf	Wyandotte

Wyandotte County, Kansas, Appellee.

		-	
77,514	Terry L. Durham, Appellant, v.	Stephen J. Jones Kirby A. Vernon	Work Comp
	Cessna Aircraft Company, Respondent and Self-Insured,	E. L. Lee Kinch	
	and Kansas Workers Compensation Fund, Appellees.		
75,543	State of Kansas, Appellee,	Attorney General Jeff Elder, C.A.	Pottawatomie
	Leonard W. Price, Appellant.	Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	
76,881	State of Kansas, Appellee,	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
	Chris B. Kimble, Appellant.	Jessica R. Kunen, Chief A.D.	
	Before Gernon, P.	J.; Rulon and Royse, JJ.	
	Augu	st 5-6, 1997	
Case No.	Case Name	Attorneys	Charrence
76,284	Kennon H. Wright, Appellant,	Jessica R. Kunen, Chief A.D. Thomas W. Bartee, Asst. A.D.	Shawnee
	State of Kansas, Appellee.	Attorney General Gwynne E. Harris, Asst. D.A.	
76,293 76,294	State of Kansas, Appellee,	Attorney General Ty Kaufman, C.A.	McPherson
	Gus Hankins, Jr., a/k/a Louis Patterson, Appellant.	Jessica R. Kunen, Chief A.D. Elizabeth Seale Cateforis, Asst. A.D.	
76,521	Gerald Ladd Hersh, Appellant, v.	Gerald Ladd Hersh, pro se Linden G. Appel	Leavenworth
	David R., McKune, et al., Appellees.		
77,330	State of Kansas, Appellee,	Attorney General	Jackson
	v. Priscila A. Wakole, Appellant.	County Attorney Robert D. Campbell	
78,581	State of Kansas, Appellant, v.	Attorney General Thomas Alongi, Asst. C.A.	Geary
	Morris Lemoine Davis, Appellee.	Doug Thompson	
75,560	State of Kansas, Appellee, v.	Attorney General Joe E. Lee, Asst. C.A.	Lyon
	Chi Thien Duc Phan, Appellant.	Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	
77,032	In the Matter of the Marriage of Desiree Delane Wright, Appellant, and	Pantaleon Florez, Jr. James R. McEntire	Shawnee
	Kenneth Hugh Wright, Appellee.		
77,392	State of Kansas, Appellee, v.	Attorney General David C. Black, Asst. C.A.	Stanton
	Steven K. Harvie, Appellant.	Steven K. Harvie, pro se	
77,586	In the Matter of the Driver's License of Michael Todd Glaser.	James G. Keller Daniel C. Walter	Phillips
78,154	In the Interest of A.M.B., dob: 1/5/85; J.E.B., dob: 07/13/86; J.M.B. dob: 10/19/88.	William R. Griffith Barbara L. James	Sedgwick
<b>78,339</b>	In the Interest of K.W., a Minor Child.	Burt W. Bowers Douglas P. Witteman, C.A. Brad L. Jones Brenda Kelley	Coffey

1206	Kans	as RegisterCourt o	f Appeals Doc
76,251	State of Kansas, Appellee, v. Richard Kevin Mansfield, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Brenda S. Watkins	Johnson
76,826	Mitchel L. Daniel, Appellant,	Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D.	Reno
	State of Kansas, Appellee.	Attorney General County Attorney	
76,699	State of Kansas, Appellee, v. Michael S. Rojas, Appellant.	Attorney General Jerome A. Gorman, Asst. D.A.	Wyandotte
76,450	State of Kansas, Appellant.	Carl E. Cornwell Attorney General	Douglas
	v. Phillip Harris, a/k/a Ahasuerus A. Bildad, Appellant.	John Wilcox, Jr., Asst. D.A. Jessica R. Kunen, Chief A.D. Thomas Jacquinot, Special A.D.	
	A 1988 - TS : 마스스 프로그램 (1984 - 1985) - 1985 - 1985 - 1985 - 1985 - 1985 - 1985 - 1985 - 1985 - 1985 - 1985 - 1	Green and Marquardt, JJ.	
		ust 5-6, 1997	
Case No.	Case Name	Attorneys	County
76,849 76,850	State of Kansas, Appellee,	Attorney General Thomas R. Stanton, Asst. C.A.	Saline
	William H. Harrington, Jr., Appellant.	Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. D.A.	
77,271	Brian L. Brown, Sr., Appellant, v.	Brian L. Brown, Sr., pro se Barbara E. Maloney, pro se	Linn
	Barbara E. Maloney, Cody Joalen Brown, Appellees.		
76,575	State of Kansas, Appellee,	Attorney General	Saline
76,576 76,577	V. Dean Edward Endsley, Appellant.	Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	
76,827	State of Kansas, Appellee,	Attorney General	Ellsworth
	Kenneth M. Wewer, Appellant.	Joe S. Shepack, C.A. Lisa A. Beran	
76,492	In the Matter of the Marriage of Kevin J. Sweeney, Appellant,	Scott H. Kreamer Steven R. McConnell	Johnson
	and Pamela G. Sweeney, Appellee.		
76,707	State of Kansas, Appellee,	Attorney General	Wyandotte
	v. Daryl Suttington, Appellant.	Jerome A. Gorman, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	
	Before Green, P.I.: M	larquardt and Knudson, JJ.	
	スープ リー・カー・・・・・ さいだんしょか しょうしょ デア ガーヤイ・メート 多ったい	ıst 5-6, 1997	
ase No.	Case Name	Attorneys	County
6,855	State of Kansas, Appellee,	Attorney General Clinton B. Peterson, Asst. C.A.	Seward
	Randy D. Romero, Appellant.	Jessica Kunen, Chief A.D. Elizabeth Seale Cateforis, Asst., A.D.	
6,774	State of Kansas, Appellee,	Attorney General Clinton B. Peterson, Asst. C.A.	Seward
	Everleen Livingston, Appellant.	Jessica R. Kunen, Chief A.D. Michael J. Helvey, Asst. A.D.	
6,212	State of Kansas, Appellee,	Attorney General	Geary
	David T. Dallas, Appellant.	Russ Roe, Asst. C.A. Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D.	

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76,918	Timothy L. Myers, Appellant,	Jessica R. Kunen, Chief A.D. Elizabeth Seale Cateforis, Asst. A	Riley .D.
	State of Kansas, Appellee.	William E. Kennedy III, C.A.	
76,724	State of Kansas, Appellee,	Attorney General Clinton B. Peterson, C.A.	Seward
	Otis E. Ward, Appellant.	Jessica R. Kunen, Chief A.D.	
74,046	State of Kansas, Appellee,	Attorney General	Shawnee
	v. Timothy L. Wilson, Appellant.	Gary Carl West, Asst. D.A. Stephen W. Kessler	
		.; Knudson and Pierron, JJ.	
		st 5-6, 1997	
Case No.	Case Name	Attorneys	County
76,880	State of Kansas, Appellee,	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
	Alfonso Adkins, Appellant.	Thomas J. Schultz, Asst. D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	
76,990	In the Matter of the Marriage of Nina Ruth Andrews, now Faught, Appellant,		Sedgwick
	and		
<b>7</b> 6 006	Clarence Andrews, Appellee.	Michael F. Brunton	Shawnee
76,806	In the Matter of the Marriage of Anita Guerra, Appellee, and	Ronald L. Hodgson, pro se	Jilawiice
	Ronald L. Hodgson, Appellant.		
77,691	Dale M. L. Denney, Appellant, v.	Dale M. L. Denney, pro se Kevin D. Case, Asst. A.G.	Sedgwick
	Jerome R. Jones, Appellee.	Wm. Scott Hesse, Asst. A.G.	<b>~1</b>
75,596	State of Kansas, Appellee, v.	Attorney General Tony W. Rues, Asst. D.A.	Shawnee
	L. J. Edwards, Appellant.	Jo Ann Van Meter	
	Before Knudson, P	.J.; Pierron and Green, JJ.	
		ıst 5-6, 1997	
Case No.	Case Name	Attorneys	County
76,378	State of Kansas, Appellee,	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
	Chris J. Fulps, Appellant.	Thomas J. Schultz, Asst. A.D. Jessica R. Kunen, Chief A.D.	
		Lisa Nathanson, Asst. A.D.	
76,397	Russell L. Geis, Appellant,	Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	McPherson
	State of Kansas, Appellee.	Attorney General Ty Kaufman, C.A.	
76,887	State of Kansas, Appellee, v.	Attorney General District Attorney	Shawnee
	Howard Peimann, Appellant.	Howard R. Peinmann, pro se	
			Carol G. Gree
		C	lerk of the Appellate Cour

# Department of Administration Division of Purchases

## Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

# Monday, August 4, 1997

32600

University of Kansas Medical Center—Cleaning chemicals and janitorial supplies

32607

University of Kansas—Diplomas and certificates
6336

Kansas State Fair—Asphalt paving and repair
6341

Kansas State University—Furnish and install mini blinds

6342

Kansas Bureau of Investigation—Magnetic photo frame

6343

Department of Revenue—Conversion coated aluminum

Tuesday, August 5, 1997

32606

University of Kansas—Temporary services, parking attendants

# Wednesday, August 6, 1997

32608

Kansas State University—Snow removal services

Pittsburg State University—Emergency telephones

Kansas Highway Patrol—Mud flaps and floor mats 6316

Department of Social and Rehabilitation Services— Handicapped van modifications, El Dorado

Department of Social and Rehabilitation Services—Handicapped vehicle modification, Wichita

Thursday, August 7, 1997

32602

State Board of Regents—Sun workstations, servers, upgrades and accessories

3260

University of Kansas Medical Center—Building materials

32609

University of Kansas Medical Center—Miscellaneous beverages

6330

Department of Transportation—Bituminous mix, various locations

6331

Wichita State University—Scissor lift

6332

Kansas State University—Condensing, air handling units and volume boxes

6333

Kansas State University—Natural gas generator set

University of Kansas—Unix-based polycenter software

6337

Kansas Soldiers' Home—Furnish and install garage doors and siding

6338

Kansas Soldiers' Home—Furnish and install vinyl siding

6339

Kansas Soldiers' Home—Furnish and install heating/cooling system

Friday, August 8, 1997

32511 Rebid

Department of Administration, Division of Facilities Management—Pest control services

32603

Kansas Correctional Industries—Chromate aluminum sheets, treated

Thursday, August 14, 1997 A-8094(a)

Emporia State University—Sitework, Beach Music Hall

A-8144(b)

Kansas State University—Accessibility remodel, Southwest Ag Research Center

Friday, August 22, 1997

A-7670

State Historical Society—Accessibility upgrades, Pawnee Indian Village

A-7827

Wichita State University—Elevator installation, Wilner Auditorium

**Request for Proposals** 

Tuesday, August 5, 1997

32596

Banking services for the Department of Wildlife and Parks

Wednesday, August 20, 1997

32610

Public Broadcasting Council television study for Southeast Kansas for the Kansas Public Broadcasting Council

Friday, August 22, 1997

32612

Promotional items for the Kansas Lottery

Thursday, August 28, 1997

6340

Student information access system for the University of Kansas

John T. Houlihan Director of Purchases

# Kansas State University

# **Public Notice**

The Kansas State University Department of Physics is offering for sale a planetarium, including a complete sound system in working condition, for \$15,000. For further information, contact Mark Newman, Cardwell Hall, Kansas State University, Manhattan, 66506, (913) 532-

> Mark A. Newman Department of Physics

Doc. No. 019437

# State of Kansas

# University of Kansas Medical Center

#### **Notice to Bidders**

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

# Monday, August 4, 1997 Mailing equipment

**Barbara Lockhart Purchasing Director** 

Doc. No. 019434

State of Kansas

# Kansas Lottery

# **Temporary Administrative** Regulations

# **Article 2.—LOTTERY RETAILERS**

111-2-60. Quik Trip retailer incentive bonus; all games. (a) Quik Trip lottery retailers in the Kansas City region (chain 1061) certified to sell instant and/or on-line lottery tickets on or before June 9, 1996, through June 15, 1996, are eligible to participate in this Quik Trip retailer incentive bonus program.

(b) Any of the 20 participating Quik Trip retailer locations increasing its total sales by 10 percent or more over the one week period set forth in subsection (a), during the selling period starting June 15, 1997, and ending June 21, 1997, will be entitled to a retailer incentive night at Sandstone. This includes food, soft drink, and two concert tickets. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-7-3-97, June 13, 1997.)

111-2-62. Outstanding sales achievement awards. (a) Beginning with the calendar year starting January 1, and ending December 31, each year the 10 Kansas lottery retailer locations with the highest total lottery ticket sales shall become a member of the "Director's Club." Following the end of each calendar year, qualifying members shall receive the following:

(1) A framed certificate or plaque recognizing the retailer as a member of the "Director's Club."

(2) Lottery promotional watches for employees at the retailer location, up to a maximum of 20 per location.

(3) The retailer will be featured in an issue of the lot-

tery's retailer publication.

(b) All lottery retailer locations in Kansas are eligible for membership in the "Director's Club" on an annual basis which entitles the retailer location and employees to the above awards. (Authorized by K.S.A. 1996 Supp. 74-8710; implementing K.S.A. 74-8708 and K.S.A. 1996 Supp. 74-8710; effective, T-111-7-3-97, June 13, 1997.)

# Article 4.—INDIVIDUAL GAME RULES

## RULES FOR INSTANT GAME NO. 90 "PRAIRIE GOLD"

111-4-1038. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Prairie Gold" commencing on or after June 15, 1997. The specific rules for the "Prairie Gold" game are contained in K.A.R. 111-3-1 et seq. and 111-4-1038 through 111-4-1041. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-7-3-97, June 13, 1997.)

111-4-1039. Definitions. The following definitions shall apply to the "Prairie Gold" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of the six play spots within the play area. Each game symbol for this instant game is one of the following: FREE  $-\$2.^{\circ}$  -  $\$5.^{\circ}$  -  $\$10.^{\circ}$  -  $20.^{\circ}$  - \$2500 - \$5000 - symbol of

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated

with each game symbol is as follows:

Game Symbol	Game Symbol Captio
FREE	TICKET
\$2.00	TWO\$
<b>\$</b> 5.00	FIVE\$
10.00	TEN\$
20.00	TWENTY
\$2500	25-HUN
\$5000	FIVETHOU
Symbol of wheat	WHEAT

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and is covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and (continued)

end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET, TWO = \$2.00; FOR = \$4.00; FIV = \$5.00; TEN = \$10.00; TWY = \$20.00; FRY = \$40.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-7-3-97, June 13, 1997.)

111-4-1040. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal six prize amounts. If three like prize amounts are identical, the player wins that prize amount. If two identical prize amounts and a wheat symbol appear, the player wins double that prize amount. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-7-3-97, June 13, 1997.)

111-4-1041. Number and value of instant prizes.
(a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	180,000	\$ 0
\$2	60,000	120,000
\$4	18,000	72,000
<b>\$</b> 5	42,000	210,000
\$10	18,000	180,000
\$20	12,000	240,000
\$40	<b>2,250</b>	90,000
\$2,500	arwystije ka <b>ž</b> katik	5,000
\$5,000	5	25,000
	332,257	\$942,000

- (b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.42.
- (c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-7-3-97, June 13, 1997.)

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Gregory P. Ziemak Executive Director

Doc. No. 019381

State of Kansas

# **Department of Administration**

# Permanent Administrative Regulations

# **Article 16.—TRAVEL REIMBURSEMENT**

1-16-2a. Relocation assistance. (a) The provisions of this regulation shall apply only to employees who are transferred to a new official station that is more than 25 miles from the old station and to new employees who are recruited under the provisions of 1997 SB 104, § 1. However, no subsistence allowance shall be paid under this regulation for expenses incurred within 30 miles of the official station at the time of travel.

(b) For purposes of searching for a new residence, in the 30-day period preceding an employee's transfer or the employee's original appointment date, the employee may be allowed subsistence reimbursement for not more than 15 calendar days at the current prevailing subsistence rates and private car mileage reimbursement for not more than one round trip from the employee's domicile.

(c) To the extent considered necessary and appropriate by the appointing agency head, the agency may pay all or part of the following relocation expenses:

(1) Subsistence expenses for the employee while en route between the old and new official station or, for an employee recruited under 1997 SB 104, § 1, while en route between the old domicile and new domicile; and

- (2) a mileage allowance at the rate provided to reimburse state employees for the use of a privately owned conveyance for transporting the employee's immediate family from the old domicile to the new official station. However, such expenses may be allowed for only one one-way trip in connection with each change of official station and domicile of the employee, and for transfers, only in cases in which the new station is over 25 miles from the old station.
- (d) On and after the date of the employee's transfer or original appointment, subsistence expenses of the employee may be paid for a period of 30 days while the employee is occupying temporary quarters and trying to locate or waiting to enter a permanent residence. Subsistence expense payments to the employee may be extended for additional 30-day periods when deemed necessary by the agency head, with approval of the secretary of administration, while the employee's residence is in temporary quarters. (Authorized by and implementing K.S.A. 75-3203, 75-3207, and 1997 SB 104, § 1; effective May 1, 1979; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)
- 1-16-2b. Moving expenses. (a) The provisions of this regulation shall apply only when a permanent employee transfers within a state agency or from one agency to another for the convenience or benefit of the employing agency and the official station is more than 25 miles from the old official station, or when an employee has been recruited under the provisions of 1997 SB 104, § 1.

(b) The head of the employing agency may pay reasonable moving expenses to a commercial carrier or may

reimburse the employee as authorized by this regulation, in an amount not to exceed the actual expenses.

(1) The employee may be reimbursed or a commercial carrier may be paid for the expenses of transporting, packing, crating, temporarily storing, draying, unpacking, and obtaining transit insurance for up to 12,000 pounds net weight of household goods and personal effects, excluding any cost for disassembling yard toys, patio equipment window air conditioners, and shelving.

(2) When an employee transports a house trailer or mobile dwelling for use as a residence and the employee otherwise would be entitled to transportation of household goods and personal effects under paragraph (1) of this subsection, the head of the employment agency may

pay for the following expenses:

(A) A mileage allowance at the rate provided to reimburse state employees for the use of a privately owned conveyance, including the payment of necessary tolls, charges, and permit fees, if the trailer or dwelling is trans-

ported by the employee; or

- (B) commercial transportation of the house trailer or mobile dwelling, at agency expense or through reimbursement to the employee, including the payment of necessary tolls, charges, and permit fees, if the trailer or dwelling is not transported by the employee. (Authorized by and implementing K.S.A. 75-3706 and 1997 SB 104, § 1; effective May 1, 1979; amended May 1, 1981; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)
- **1-16-2d.** (Authorized by and implementing K.S.A. 75-3207, 75-3219 and 75-3224; effective May 1, 1979; amended, T-1-4-26-93, April 26, 1993; amended July 12, 1993; revoked, T-1-7-1-97, July 1, 1997; revoked Aug. 8, 1997.)
- **1-16-2e.** Bidding required. (a) Moving expenses that may be paid pursuant to K.A.R. 1-16-2b(a) shall not exceed the total cost of moving a comparable household of 12,000 pounds of household furnishings and personal effects by commercial carrier at the tariff rates filed with and approved by the state corporation commission.

(b) Each employee who is eligible for moving expenses shall attempt to obtain three firm rate bids from commercial carriers and shall be responsible for selection of the lowest responsible carrier. Any contractual arrangement shall be between the state employee and the commercial carrier.

(c) The firm rate bid shall include costs of the following services:

(1) transportation;

(2) material and labor for packing and unpacking barrels, drums and cartons;

(3) appliance service;

(4) piano pick-up and delivery; and

- (5) transit insurance. (Authorized by and implementing 1997 SB 104, § 1; effective May 1, 1979; amended, T-85-46, Dec. 19, 1984; amended May 1, 1985; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)
- 1-16-18. Subsistence allowance; rates. (a) General provisions.
- (1) Except as otherwise specifically provided by law, subsistence allowances for in-state and out-of-state travel

shall be paid on the basis of a quarter-day rate for meal expenses and the actual cost of lodging expenses incurred, within the lodging expense limits set forth in this regulation. The subsistence rates for meal expenses shall be paid on a per diem basis at the appropriate rate for any fraction of a quarter-day in which the official travel begins and for each full quarter-day thereafter. For purposes of this regulation, a day shall commence at 12:01 a.m. No quarter-day allowance shall be paid for any fractional quarter-day in which the traveler returns to the traveler's official station or domicile. As used in this regulation, "international travel" means travel outside the 50 states and the District of Columbia.

(2) Reimbursement for lodging, or direct payment of lodging expenses to the lodging establishment, shall be made on the basis of actual single-rate lodging expenses incurred, including taxes, and shall be supported by the original official receipt of the lodging place or other suitable documentation. Reimbursement for lodging expenses, or direct payment of lodging expenses to the lodging establishment, shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(3) Subject to the approval of the secretary of administration, any city in a state bordering or near Kansas may be designated as a "border city" by the director of accounts and reports. For travel by state personnel to a border city, all meals allowances and lodging expense limitations shall be applied at the appropriate in-state rate.

(b) Meals allowance. The quarter-day meals allowance shall be as follows:

(1)	In-state	\$6.50
	In-state high cost	\$7.00
(3)	Out-of-state	\$7.00
(4)	Designated high-cost geographic area— out-of-state	<b>\$</b> 7.50
(5)	Borough of Manhattan and the District of Columbia	\$10.00
(6)	International travel	\$10.00

An exception to the quarter-day meal allowance for international travel may be made at the option of each agency by claiming actual expenses, subject to a daily limitation of \$72 for meals.

(c) Lodging expense limitations. The lodging expense limitations shall be as follows:

(1) In-state, exclusive of designated high-cost	
geographic areas	\$ 52.00
(2) In-state, designated high cost geographic areas	\$ 65.00
(3) Out-of-state, exclusive of designated high-cost	
geographic areas	\$ 78.00
(4) Out-of-state, designated high-cost geographic	
areas	\$113.00
(5) Borough of Manhattan and the District of	
Columbia	\$124.00
(6) International travel	actual

Specific exceptions to the dollar limitation on lodging expenses may be made pursuant to provisions in K.S.A. 75-3207a and its amendments.

(d) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or supplied without cost by another party, the meal expenses shall be reduced as follows:

(1) In-state trav	rel:	Amount
	eakfast provided	\$ 6.00
(B) For each lun	nch provided	\$ 7.00
(C) For each dir		\$13.00
	-state high cost geographic areas:	Ψ1.0.00
(A) For each bre	eakfast provided	\$ 6.50
(B) For each lun	nch provided	\$ 7.50
(C) For each din	nner provided	\$14.00
(3) Out-of-state	their provided	<b>\$14.0</b> 0
(A) For each bre		A ( E0
(R) For each him	eakiast provided	\$ 6.50
(C) Francisco	nch provided	\$ 7.50
(C) For each din	aner provided	\$14.00
(4) Travel to ou	it-of-state high-cost geographic areas:	
(A) For each bre	eakfast provided	<b>\$ 7.00</b>
(B) For each lun	nch provided	\$ 8.00
(C) For each din		\$15.00
(5) Travel to Bo	brough of Manhattan or the District	
of Colum	nbia, and international travel:	
(A) For each bre	eakfast provided	\$ 9.50
	nch provided	\$10.50
	nner provided	\$20.00

(Authorized by and implementing K.S.A. 75-3207a as amended by 1997 SB 104, § 2; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-8-14-90, May 1, 1990; amended Oct. 8, 1990; amended, T-1-9-26-91, Oct. 1, 1991; amended Nov. 18, 1991; amended, T-1-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended, T-1-6-28-95, July 1, 1995; amended Oct. 27, 1995; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)

# Article 18.—MAXIMUM ALLOWANCE FOR MILEAGE FOR USE OF A PRIVATELY OWNED CONVEYANCE FOR PUBLIC PURPOSES

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

(1) 15¢ per mile for the use of a privately owned motorcycle;

(2) 31¢ per mile for the use of a privately owned automobile;

(3) 43¢ per mile for the use of a privately owned airplane; or

(4) 43¢ per mile for the use of a specially equipped vehicle for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for the following expenses:

parking fees when on an official trip;
 toll road and toll bridge costs; and

(3) airplane landing and tie-down fees.

(c) When an employee travels by privately owned airplane, reimbursement may be made for one round trip in a privately owned automobile or for a taxi fare charged in travel under these conditions:

(1) between the official station or domicile and the airport in the city in which the official station or domicile is located; and

(2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in sub-

section (a) shall be as follows.

(1) When a mode of transportation is available and is less costly than transportation by privately owned conveyance, mileage payments for use of a privately owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the

ravel.

(3) For employees of the state of Kansas only, any state employee choosing to use a privately owned automobile when a state-owned or leased vehicle, as defined by K.A.R. 1-17-1, is available for use shall be reimbursed at the central motor pool rate for compact cars, except under the following conditions:

(A) The employee's agency head or the agency head's designee determines that the use of a state-owned or leased vehicle would be more expensive than the use of

the employee's privately owned automobile.

(B) The employee has a disability that requires the use of a privately owned vehicle that is specially equipped. (Authorized by and implementing K.S.A. 75-3203 and 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended, T-1-2-28-90, March 1, 1990; amended April 23, 1990; amended; T-1-11-14-90, Nov. 14, 1990; amended Jan. 7, 1991; amended July 12, 1993; amended, T-1-6-28-95, June 28, 1995; amended Aug. 4, 1995; amended, T-1-7-1-96, July 1, 1996; amended Oct. 18, 1996; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997.)

Daniel R. Stanley Secretary of Administration

Doc. No. 019426

## State of Kansas

# Kansas Commission on Governmental Standards and Conduct

**Advisory Opinion No. 97-20** 

Written July 8, 1997, to Michael B. Rees, Chief Counsel, Kansas Department of Transportation, Topeka.

This opinion is in response to your letter of June 23, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215

et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

## Factual Statement

We understand you request this opinion in your capacity as chief counsel for the Kansas Department of Transportation (KDOT). You advise us that in light of House Bill 2064, which became law on July 1, 1997, several ethics questions have arisen in your agency.

# Question

Based on House Bill 2064, you ask the commission a series of questions that will be answered individually.

**Opinion** 

We first note that House Bill 2064, which became law on July 1, 1997, applies to all classified employees and those unclassified employees whose salary is subject to approval by the Governor, and all members of boards, commissions and authorities of the executive branch. Those unclassified employees whose salaries are not subject to approval by the Governor fall under the provisions of K.S.A. 46-237. The first part of this opinion will apply House Bill 2064 to your questions, and the second part will address the application of K.S.A. 46-237.

House Bill 2064, Section 4, states in pertinent part:

- ...(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:
- (1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or
- (2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or
- (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or
- (4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.
- (c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:
- (1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;
- (2) meals provided at public events in which the person is attending in an official capacity;
- (3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position; and
- (4) food such as soft drinks, coffee or snack foods not offered as part of a meal.
- (d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

- (1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person's official position; or
- (2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.
- (e) No person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person's official position. The provisions of this subsection shall not apply to persons whose official position requires or obliges them to be present at such events or activities.
- 1. Is a can of popcorn received at Christmas a gift or snack food? Does it make any difference if the can is opened in the office for all to share?

Popcorn received at Christmas in a modest amount is considered a snack food. Snack foods are exempt under subsection (c) (4). However, popcorn given in a larger amount could be, under certain circumstances, considered a gift unless one of the exceptions in subsection (b) applies.

It may make a difference on whether the popcorn can is opened at the office because it may have a bearing on

whether it is a modest amount.

2. At Christmas, certain offices receive a substantial number of gift packages from organizations under contract with the state. These items are often foodstuffs. The package is addressed to the office head but are uniformly shared with the office. Is the acceptance of these items prohibited?

The question of the employee accepting foodstuffs can be answered the same as question number one above. Those items that are not foodstuffs could not be accepted by the employee unless one of the exceptions in subsection (b) applies. We cannot answer the question of whether or not these gifts that are shared with everyone in the agency "inure to the benefit of the state" without further factual information.

3. Can people at Thacher, a leased facility housing KDOT employees, receive their annual Christmas apple from the landlord?

The answer to this question is the same as question number one set out above.

4. Can employees receive a calendar from the firm with the deferred compensation contract for the state?

Unless one of the exceptions in subsection (b) applies,

employees could not receive this type of gift.

5. If an employee attends a seminar, can he or she accept a complimentary package containing small items at the time of registration? The employees are informed that the package is at no cost, having been covered by the registration fee.

If the registration fee covered the costs of the items, then the receipt of the package is not truly a "gift" and, therefore, could be accepted by the employees.

Can employees accept inconsequential items such as pens, mouse pads, key chains and coffee cups from a ven-

dor that are passed out at trade shows?

Subsection (b) prohibits the acceptance of gifts by a state employee "provided because of such person's official position." Thus, the answer to your question depends upon the audience at the trade show, and the purpose of the vendor in giving the items. If the trade show is only for state employees who are in a position to make contracts on behalf of the state, then the gifts could not be accepted. This would also be true if the items were given because the vendor knew the person was a state employee and that the employee was in a position to benefit the vendor. If the trade show is open to the public, and the items are distributed randomly, or not just given to the state employee because of his or her official position, the employee could receive these types of items.

7. Can employees accept gifts such as t-shirts, coffee cups or small amounts of money provided by vendors for completing surveys or performing informal evaluations

of their products.?

These types of gifts are being provided to the state employee "because of such person's official position," and thus could not be accepted. We also note that under K.S.A. 46-235, state employees may not receive any compensation from any source other than the state for performance of their state duties.

8. Does the \$40 gift limit apply to gifts? One sentence says that state employees cannot accept anything, and the other says they can accept up to \$40 if done as part of

state duties.

As a general rule, state employees subject to the provisions of House Bill 2064 cannot accept gifts of any value. However, under subsection (b) (1), they may accept gifts under \$40 given at a ceremony or public function and accepted in the capacity as a state employee.

9. Can an employee accept a government discount on motel/hotel rates? Does the same rule apply to an em-

ployee traveling on other than state business?

Subsection (d) (1) allows state employees to accept free or discounted travel and related expenses when such items are not being provided because of the person's official position. The commission believes that because the rate applies to all governmental officials, and is not given to any one particular state employee because of his or her position, that state employees may accept discounted motel/hotel rates. In answer to your second question, so long as the employee is not receiving the discounted rate because of his or her official position, the employee could receive a discounted rate even while not on state business.

10. Can an employee who is involved in the oversight of a construction contract, although not a party to the making of the contract, travel at no cost in a construction company's vehicle to study, review or observe a construc-

tion project or material usage?

Under subsection (d) (2), so long as the employee's presence served a legitimate state purpose, and the employee's agency authorized or would have authorized payment for such travel and expenses, the employee could accept the travel and all related expenses.

11. Can an employee accept or be reimbursed by an association for travel, registration and lodging when at-

tending an industry meeting to make a presentation or view products used by the agency or its contractors?

Under subsection (d) (2), so long as the employee's presence at the meeting serves a legitimate state service, and the employee's agency authorized or would have authorized payment for such travel and expenses, the employee could accept the travel and all related expenses for attending the meeting.

12. In the subsections on "gifts" and "travel," the exceptions to the restrictions were all "or" phrases. In the section on "meals," "and" is used to link the exceptions. Does this difference in wording affect the application of

these sections?

In the commission's opinion, given the language of subsections (c) (3) and (c) (4), the "and" could have been drafted as either an "and" or an "or" and does not change

the application of these subsections.

We note that K.S.A. 46-237 applies to unclassified employees whose salaries are not subject to approval by the Governor. The provisions of K.S.A. 46-237 are different that the provisions of House Bill 2064. K.S.A. 46-237 in pertinent part states:

- (a) No state officer or employee ... shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.
- (d) Hospitality in the form of recreation, food and beverages are presumed not to be given to influence a state officer or employee . . . in the performance of such officer's or employee's official duties or prospective official duties.

# K.A.R. 19-40-3a (c) provides:

Hospitality. "Hospitality in the form of recreation, food and beverage" means the provision of recreation and consumption of food and beverage in the company of the donor or the donor's authorized agent. The provision of recreation, food and beverage in any other manner constitutes a gift.

K.S.A. 46-228 defines "special interest" in pertinent part as:

... an interest of any person ... in the action or nonaction of any state agency or state officer or employeeupon any matter affecting such person ...

Turning to your questions, for those employees subject to K.S.A. 46-237, they may not accept a gift in excess of \$40 from anyone with a "special interest." They may accept free or discounted meals without any monetary limitation so long as the meal is provided and consumed in the presence of the donor. If the meal is not provided and consumed in the presence of the donor, then the \$40 gift limitation applies. The answers given above concerning travel by state employees are also applicable under K.S.A. 46-237.

In closing, we note that House Bill 2064 and K.S.A. 46-237 create two different gift and meal limitations, and that this difference will create some confusion. We

suggest that whenever possible, employees contact the commission for guidance prior to accepting a gift or meal. In addition, given the penalties involved for violations of either of these laws, we suggest that if guidance is needed, but cannot be sought before the gift or meal is offered, that the employee decline acceptance.

# **Advisory Opinion No. 97-21**

Written July 8, 1997, to Alice A. Devine, Secretary, Department of Agriculture, Topeka.

This opinion is in response to your letter of June 19, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

# **Factual Statement**

We understand you request this opinion in your capacity as the secretary for the Kansas Department of Agriculture. You advise us that in light of House Bill 2064, which became law on July 1, 1997, staff of your agency has several ethics questions that they are confronted with during routine work assignments.

# Question

You ask the commission a series of questions that will be answered individually below.

# **Opinion**

We first note that House Bill 2064, which became law on July 1, 1997, applies to all classified employees and those unclassified employees whose salary is subject to approval by the Governor, and all members of boards, commissions and authorities of the executive branch. Those unclassified employees whose salaries are not subject to approval by the Governor fall under the provisions of K.S.A. 46-237. The first part of this opinion will apply House Bill 2064 to your questions, and the second part will address the application of K.S.A. 46-237.

House Bill 2064, Section 4, states in pertinent part:

- ... (b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:
- (1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or
- (2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or
- (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or
- (4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under para-

- graph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.
- (c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:
- (1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is 'widely attended' when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;
- (2) meals provided at public events in which the person is attending in an official capacity;
- (3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position; and
- (4) food such as soft drinks, coffee or snack foods not offered as part of a meal.
- (d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:
- (1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person's official position; or
- (2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.
- (e) No person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person's official position. The provisions of this subsection shall not apply to persons whose official position requires or obliges them to be present at such events or activities.

1. Can an employee receive a meal from a regulated industry representative at a weekend social event if that representative has become a personal friend?

Subsection (c) (1) permits state officers and employees to receive meals that are motivated by a personal relationship. Thus, if there truly exists a personal relationship and that relationship is the motivating factor, then the employee can accept the meal. K.A.R. 19-40-3a(a) sets out the factors to be looked at in determining whether a gift is being provided based on a personal relationship. We believe that regulation can also be applied to meals provided to those state officers and employees who fall under House Bill 2064.

2. Can employees accept transportation to meetings or conferences with someone from a regulated industry going to the same event?

Subsection (d) (2) allows a state employee to accept free or discount travel from sources outside of state government when the employee's presence at the conference serves a legitimate state purpose and the employee's agency authorizes or would authorize payment for such travel.

3. Can an employee receive dollars from a vendor for returning a survey about an agency program? If so, may the dollars be deposited into the agency fund for pro-

gram use?

Employees would be prohibited from personally receiving money for filling out a survey. However, the money could be accepted and used for agency programs. We do note that under K.S.A. 46-237(c), any person licensed, inspected or regulated by your agency could not give more than \$40 in a calendar year to your agency.

4. Can employees accept small items from an indus-

try such as hats, pens or pads of paper?

Employees would be prohibited from receiving these types of gifts unless one of the exceptions as set out in subsection (b) applies. We suggest that any employee who is uncertain whether or not an exception applies, contact the commission before accepting any gift.

5. Can an employee who has been asked to give a speech or moderate a meeting accept travel to and from

the event?

Subsection (d) (2) allows a state employee to receive travel and all related expenses when the employee's presence at the meeting, seminar or event serves a legitimate state purpose and the employee's agency authorizes or would authorize such payment.

6. Can employees accept complimentary registra-

tions to conferences?

This question has been asked of the commission under K.S.A. 46-237. The commission has held that so long as the conference served a legitimate state purpose and the employee's agency would have authorized payment of the registration fee, then the gift was not received by the employee, but inured to the benefit of the state. We believe that subsection (b) (3) should apply to such situations, and thus the employee could receive the registration provided the conference serves a legitimate state purpose, and his or her agency would have authorized payment.

7. Can employees accept coffee, pop or other snack items from industries during meetings or inspection

visits?

Subsection (c) (4) allows state employees to receive food such as soft drinks, coffee or snack foods not offered as part of a meal.

8. Can employees accept gifts such as tins of popcorn,

trays of cookies or other food items?

Popcorn, trays of cookies or other food items received in a modest amount is considered a snack food. Snack foods are exempt under subsection (c) (4). However, popcorn, trays of cookies or other food items given in a larger amount could be, under certain circumstances, considered a gift unless one of the exceptions in subsection (b) applies.

9. Can an employee accept a complimentary banquet ticket to attend a particular function during a trade association or other industry event? If the employee is a guest speaker at the event, can he or she accept the

ticket?

The commission cannot answer this question without more specific information such as the nature of the banquet and if the banquet is taking place during the initial event when the ticket is given. We suggest that you write for an opinion on this question and provide greater factual detail in your request.

10. Can a consultant or contractor pay for a working meal, even if the employee deducts the meal as pro-

vided on his or her travel voucher?

Subsection (c) prohibits a state employee from receiving a free or discounted meal unless one of the exceptions set out in that subsection applies. Based on this question, it appears that none of the exceptions would apply, and the employee could not receive the free meal.

11. Is it acceptable for another governmental entity to pay for meals for a state employee during a working lunch? Can a state employee pay for the lunch of a gov-

ernment official and be reimbursed?

Subsection (c) applies only to free or discounted meals from sources outside of state government. Therefore, state employees may receive meals from other state governmental entities. The issue of a state employee paying for the working lunch of another state governmental official and being reimbursed is not covered by House Bill 2064 and is beyond the jurisdiction of the commission.

12. Can an employee accept refreshments during

meeting breaks at sales seminars?

Subsection (c) (4) allows state employees to accept food such as soft drinks, coffee or snack foods not offered as part of a meal.

13. Can an employee accept payment for a meal from the board of an association if he or she has been asked

to attend to provide information for the board?

Subsection (c) prohibits a state employee from receiving a free or discounted meal unless one of the exceptions set out in that subsection applies. The commission believes that the situation you describe is not "widely attended" nor is it a "public function." Thus the free meal could not be accepted.

14. When is it acceptable for an employee to accept a gift from a foreign visitor and what procedure should your agency follow to make the gift become state

property?

The only time it is acceptable for a state employee subject to the provisions of House Bill 2064 to accept a gift from a foreign visitor is if one of the exceptions in subsection (b) applies. The procedures to determine when a gift becomes state property are not within the jurisdiction of this commission. We suggest you contact the Department of Administration or the Attorney General's Office for guidance.

15. Can equipment that is no longer usable or functional be donated to a private entity or individual?

This issue of donating state property to a private entity or individual is beyond the jurisdiction of the commission. We suggest that you contact the Department of Administration or the Attorney General's Office for guidance.

16. Can an employee receive travel expense from a national organization, which is in part funded by federal dollars, to be part of a research project or work team? Membership of the organization includes corporate organizations regulated by your agency.

The employee could receive the travel expense so long as the provisions of subsection (d) (2) applied.

17. Do the same ethics laws followed by state employees pertain to other cooperator employees of local government?

The state level conflict of interest laws (K.S.A. 46-215 et seq.) apply only to state officers and employees as those terms are defined by K.S.A. 46-221. House Bill 2064, while part of the state level conflict of interest laws, has greater application. It applies to members of boards, commissions and authorities of the executive branch of state government, whether or not they are defined as state officers or employees. Local government officers and employees are subject to the provisions of the local level conflict of interest laws (K.S.A. 75-4301a et seq.), and would not be under the state level conflict of interest laws or House Bill 2064 unless they were also state employees or on a board, commission or authority of the executive branch of the state.

We note that K.S.A. 46-237 applies to unclassified employees whose salaries are not subject to approval by the Governor. The provisions of K.S.A. 46-237 are different than the provisions of House Bill 2064. K.S.A. 46-237 in pertinent part states:

- (a) No state officer or employee... shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.
- (d) Hospitality in the form of recreation, food and beverages are presumed not to be given to influence a state officer or employee . . . in the performance of such officer's or employee's official duties or prospective official duties. . . .

# K.A.R. 19-40-3a (c) provides:

Hospitality. "Hospitality in the form of recreation, food and beverage" means the provision of recreation and consumption of food and beverage in the company of the donor or the donor's authorized agent. The provision of recreation, food and beverage in any other manner constitutes a gift.

K.S.A. 46-228 defines "special interest" in pertinent part as:

... an interest of any person ... in the action or nonaction of any state agency or state officer or employee upon any matter affecting such person ...

Turning to your questions, for those employees subject to K.S.A. 46-237, they may not accept a gift in excess of \$40 from anyone with a "special interest." They may accept free or discounted meals without any monetary limitation so long as the meal is provided and consumed in the presence of the donor. If the meal is not provided and consumed in the presence of the donor, then the \$40 gift limitation applies. Under this statute, they may also accept gifts from foreign governments and nations under \$100; gifts in excess of this amount must be accepted on behalf of the state.

In closing, we note that House Bill 2064 and K.S.A. 46-237 create two different gift and meal limitations, and that this difference will create some confusion. We suggest that whenever possible, state officers and employees contact the commission for guidance prior to accepting a gift or meal. In addition, given the penalties involved for violations of either of these laws; we suggest that if guidance is needed, but cannot be sought before the gift or meal is offered, that the state officer or employee decline acceptance.

Diane Gaede Chairwoman

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